

## NEWINGTON TOWN PLAN AND ZONING COMMISSION

June 11, 2008

### Regular Meeting

Chairman Cathleen Hall called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:20 p.m. in Conference Room 3 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut

#### **I. ROLL CALL**

##### Commissioners Present

Commissioner Fox  
Chairman Hall  
Commissioner Kornichuk  
Commissioner Pane  
Commissioner Pruett  
Commissioner Schatz  
Commissioner Camerota  
Commissioner Ganley

##### Commissioners Absent

Commissioner Niro

##### Staff Present

Ed Meehan, Town Planner

#### **II. PUBLIC HEARINGS**

Ed Meehan, Town Planner

Commissioner Ganley was seated for Commissioner Correll.

#### **II. PUBLIC HEARINGS**

##### **A. PETITION 28-08 – 1096 Main Street, Roma Properties III, LLC, owner, Chad Kirby applicant for “Goldburgers” request for Special Permit Section 6.6 Liquor Use Restaurant, B-TC Zone District, waiver of minimum distance separation standards requested.**

Chad Kirby: I'm Chad Kirby, I'm the owner of Goldburg's Bagels, the address is 1096 Main Street in Newington. I handed out a sheet, I brought it late and I hope that everybody has it, and I'll just read from that because it is really pretty simple requesting a special permit for liquor use, waiver of the minimum distance for separation standards because we are located across the street from the Congregational Church. We plan on renovating the space from the bagel store now into a burger bar. Hot dogs, hamburgers, fries, malts, and beer and wine. That's it.

Ed Meehan: Just for the applicant's benefit and the Commission members, I did a quick staff report. This restaurant was approved back in 2002 for the first floor of 1096 Main Street. The floor space is about 975 square feet, about 250 square feet is open for seating towards the back

of the restaurant, front counter, deli area and coffee bar. Also at the time, outside seating was approved, on the sidewalk area, we just finished, or were in the process of doing the streetscape so that was part of the approval, with the requirement that a plan be submitted to the Town Managers office along with insurance binders.

The use for liquor permit, expanding the use of this property, requires the waiver of the 500 foot separation distance because of it's proximity to the First Congregational Church of Christ, which is in the corner of the aerial photo of the map and also a waiver, I didn't measure this with an engineering wheel on the street, I scaled this off, it looks like, door to door, this could be within the hundred feet of Cugino's Restaurant which has a liquor permit, and they also have outside seating that has liquor sales. So you have some overlap there also, I believe. The Commission can, if it sees fit, after stating your reasons, or after discussing this, waive those separation distances by a two thirds vote, you need four votes, four members voting, finding four things; it will not cause an undo concentration in the area; it will be in harmony with the general zoning plan for the town center; it will not result in proximity of proposed outlet to schools, churches, playgrounds, etc., it will not create traffic hazards. Those are from Section 6.6 of the Zoning Regulations. I noticed quickly looking at what Chad just handed out, we are also interested in beer and wine to our sit down customers. This means no outside liquor being served outside at the tables and chairs?

Chad Kirby: Right, there is not.

Ed Meehan: Sit down, just inside customers, okay. Thank you.

Chairman Hall: Questions?

Commissioner Pane: Madam Chairman, through you to the Town Planner, did Cugino's ever get a waiver when they got their license there, or was that grandfathered in, or how, what.....

Ed Meehan: They were grandfathered, there was a restaurant that preceded them, had a fire there, Serafino's, they were grandfathered under Serafino's Restaurant use.

Commissioner Pane: Did, at one time was that waived for the church distance, or not, and because I don't ever recall us waiving anything for a school, church, in the past time that I have been on the Commission and I'm just wondering what is the history of some of the stuff that this Commission has done, and have we, do you recall anything that we have waived before?

Ed Meehan: Yes I do. I don't know the history of Serafino's, I think that goes back many years, but the Commission within the last four or five years waived the separation distance for similar classes as well as separation of five hundred feet for the Church, at the corner of East Cedar and Main, the Mazzaccoli building when they asked for a restaurant bar in the corner, where the judo place is now, I think. That needed separation distance because of Vito's on one end of the building, and the church within five hundred feet. I believe when Vito's came in they also got a waiver on separation distance because they are within the five hundred feet radius of the Church. The other liquor establishments in the center, Brickyard, that is outside the five hundred foot radius, and there is no other liquor use on Market Square, so the one in the former Mazzaccoli building come to mind. There is precedent for this.

Commissioner Ganley: Specifically I'm referring to Ed's reminding us of the waiver, and I just recall that myself, it was then what was then the Mazzaccoli Building and then became the Hedburg Building, that for a variety of reasons they ended up not opening up, but that is beside the point, the idea was that we gave them the waiver. I just, there is no scale on this photo shot, so I just took a raw ruler measurement, okay, the distance from that particular building where we

issued the waiver, I'll refer to it as the Hedburg building, raw ruler, is one inch. If I flip it around, to 1096 Main Street, from the Church, right to the tip of the arrow that identifies it, right to the very tip, and the edge of the Church, it's one and one eighth inches, so the distance is greater than the one that we had waived prior. It's a greater distance.

Commissioner Fox: It's still within five hundred feet.

Commissioner Ganley: Yes, but we waived, there is precedence for waiving, because we did waive the other one, which is closer. So that answers partially your question.

Chairman Hall: Does anyone else have a question on this?

Commissioner Pane: Did we ever like consult the Church at the time, do you recall the history of that? Did we consult the Church? Did we just waive it without consulting them?

Ed Meehan: No, they were notified as abutters within the area.

Commissioner Pane: Oh they were, okay. Same this with this case, they were notified?

Ed Meehan: Yes. Right.

Commissioner Pane: Okay, thank you very much. Thank you Madam Chairman.

Chairman Hall: Any other questions?

Commissioner Fox: Through the Chairman, hours? Hours of operation?

Chad Kirby: Hours of operation, ten o'clock, ten to eleven a.m., till ten p.m. at night. We will not be open in the morning, we will be shut down by ten at night.

Commissioner Fox: Seven nights a week?

Chad Kirby: Seven nights at week.

Chairman Hall: Does this mean that the bagel business will be no longer?

Chad Kirby: The bagel business in that location will be no longer, we will have the West Hartford location.

Chairman Hall: Any other questions? Do you think we need to continue this?

Commissioner Ganley: Is this two parts, waive the distance and then, I'm guessing there are two parts to the liquor permit, one liquor inside, wine and beer outside, is that my reading?

Chad Kirby: No, just beer and wine license.

Commissioner Ganley: Both inside and outside?

Chad Kirby: Inside and outside.

Ed Meehan: I thought there was nobody outside with liquor, beer or wine outside. Is that what it says here?

Chairman Hall: It says eat-in customers.

Chad Kirby: I'm sorry, eat in, on the premises, so....

Ed Meehan: Oh, instead of take out, I got it, so you can get a burger, sit on the sidewalk, al fresco with a beer. Okay, that's what I want to make sure.

Chairman Hall: And that doesn't make any difference does it, whether it is in, or out?

Ed Meehan: As long as you know what you are voting on, because that is a public right of way, and so that is why we want to make sure that we have knowledge of where the tables are going to be placed, they don't block people using the public sidewalk, or block handicapped access, and that we get timely insurance binders, Chad, timely insurance binders.

Chad Kirby: I understand.

Commissioner Pane: Are there tables out there now?

Ed Meehan: Yes, the black wrought iron ones.

Commissioner Pane: Are they going to be adding any additional ones, or staying with what they have.

Chad Kirby: If we do, we will submit those plans to Ed, he has already told us we had to do that.

Commissioner Fox: So, through the Chairman, you are not applying for a full restaurant liquor license?

Chad Kirby: No, just beer and wine.

Commissioner Camerota: Through the Chairman, is there any plan to enclose the outside seating that you have, with a fence, a low fence.

Chad Kirby: I don't know what is required, or what we can do about that. I kind of asked Ed about that, and I don't know the state laws. I'm going to have to go through that with them when I apply for the liquor permit, but if that is required and is deemed necessary, we will definitely do that. There's not a lot of space out there, also.

Ed Meehan: Well, we have to keep the sidewalks open to the public, and there is another store front tenant in that building, so I know the Department of Consumer Protection Liquor Control, they may require, where liquor is being served there, consumed, it may have to be enclosed, which may be a problem, you can't shut the sidewalks down.

Chad Kirby: We had talked about Cugino's. They serve liquor outside and there is nothing really enclosing that area, so.....

Ed Meehan: They only enclosure they have are the alcoves between the planters.

Chairman Hall: Is there anyone wishing to speak in favor of this petition? Is there anyone wishing to speak in opposition to the petition? Anyone wishing to speak? Seeing none, this is pretty cut and dried, I think we can close this unless you feel that you need more information, but I think we have pretty much all that we need. Thank you very much.

**B. PETITION 30-08 - 512 Cedar Street, Cedarrock, LLC, owner and applicant, attention: Nick Gallicchio, 2 Cinnamon Road, Newington, CT 06111 request for amendment of Petition 22-95 Special Exception, approved June 14, 1995, for recreational use volleyball courts to convert to in-ground swimming pool, PD Zone.**

Ed Meehan: This has been withdrawn, came in by e-mail late this afternoon, and I didn't have a chance to tell the Chairman because of the prior meeting. The applicant has decided not to pursue the accessory recreation use.

Chairman Hall: All right, so it's withdrawn, it's not postponed?

Ed Meehan: No, it's withdrawn.

**C. PETITION 31-08 – 1052 Main Street (Rear) Motta Investments owner, Salvatore Motta, 12 Cumberland Place, Rocky Hill, CT 06067, applicant request for Special Exception Section 3.12.1 Restaurant Use, B-TC Zone District.**

Salvatore Motta: I'm Salvatore Motta, the owner of 1052 Main Street, and I don't know how much you know that we have done to the front of the building, and also the rear building. I'm not sure if you guys know exactly where we are actually trying to put the restaurant/bar, it's the new addition behind 1052. What we are trying to do is to open up a wine bar, lounge, a comfortable atmosphere where you can go down there and meet friends, socialize, almost like a gathering place. We also will be serving small food plates, considering, I'm not sure if you guys have been to like Bin 228, and places like a wine bar in a downtown area, West Hartford Center, these wine bars, the main things is like providing wine parings, glasses of wine, selling bottles of wine, and paring them up with the different kinds of food. We'll serve different kinds of cheeses, meat platters, prosciutto, little bruschettas, doing small pieces of food. Also we are going ahead and having an extensive wine collection in addition to a full bar, compared to having wine and beer.

Ed Meehan: There are plans for this project, I can put some up on the wall so the public can see. My staff report summarizes for the Commission members, this is a small area, it's the reconstruction of the back, 1052 Main Street, it's quite small, about 885 square feet and of that area, 347 square feet, about thirty-nine percent is where the public seating area is, so it's smaller than this room. This room is 36 x 20 and this proposed space is about not even fifteen feet wide, the proposed space for the restaurant. Total depth is fifty-one, but a good portion of that, as you see on the plan, shows it's kitchen area and bathrooms. They are proposing up to thirty-six seating areas in there, it is quite tight. I will say I did show this to the Building Inspector, we had a discussion, there would be, if this is approved, there would have to be modifications to the plan because the bathrooms layouts do not meet the ADA code, and one of the bathrooms appears that you have to go into the kitchen area to get into it, which is not going to be permitted by the health code. So in the end, probably the number of seats that you see in this plan would be downsized quite a bit, or downsized somewhat. The footprint of this proposed use is the same as the Commission approved a couple years ago, when a more ambitious plan for a two story addition was presented to the Commission in 2006. This is just a one story addition. This also has issues with the radius of five hundred feet to the Church and scaling the map, it is beyond the one hundred foot distance to the back entrance to Cugino's and beyond the one hundred foot distance to the other liquor establishment, Vito's, which is over on Center Court. My question again is hours of operation, are you having outside seating, any entertainment, those types of accessory uses that would affect the operation would be questions that I would ask.

Salvatore Motta: As far as hours of operation, pretty much, Mondays closed, we'll be open six days a week. On Sunday we will be open from 4:00 to 9:00 p.m., and then Tuesday,

Wednesday, 11:00 to 11:00, Thursdays, 11:00 to 12:00 a.m., and Friday and Saturday until 1:00 a.m.

As far as the outdoor seating goes, no outdoor seating.

Chairman Hall: Questions from the Commission?

Commissioner Ganley: If my fellow Commissioners would reference this diagram from the prior petitioner, I'm just trying to get a better fix, because I can't see that distance. Where, you will notice on that photo it says, 1067 Cugino's. Is the building in question, the building located in the upper left hand corner, it's shown as a white rectangle. Is that 1052?

Ed Meehan: Yes.

Commissioner Ganley: Okay.

Ed Meehan: Just at the corner of the block.

Commissioner Ganley: Just at the corner of the block, okay, so the issue of distance, once again, just using a plain ruler, it's exactly one inch, which is a similar distance between the petition approved but never opened up, at the Hedburg building from the Church, so that would be one waiver, certainly.

Commissioner Schatz: Through the Chairman, I'm trying to think back, didn't we have a problem with a telephone pole back there?

Ed Meehan: It was removed.

Commissioner Schatz: It was removed.

Ed Meehan: Yeah, as part of the prior site plan approval. There were some overhead wires, and those are all cleaned up. Thank you for reminding me.

Commissioner Pruett: Is that also an entrance to an alleyway, from Main Street to the back?

Ed Meehan: Yes, it's town owned. It was part of the Patz property that was donated to the Town for the parking lot. That is the alleyway between Novey's and the Chamber.

Commissioner Fox: Through the Chairman, Ed, how does this fit in with the Plan of Development for the town center business zone, and for whatever is going to be done with Market Square Parking Lot?

Ed Meehan: Well, this building is undergoing renovation because it was awarded the façade loan for the front, back in the fall of 2007 and they are closing in on that work now. Some of the site area has been cleaned up, the back, which is under renovation now replicates the front. As far as fitting in with the municipal parking lot, the prior owner, before the prior owner, the Patz family donated to the town about 16,000 square feet to expand the parking lot. The town acquired the garage, or barn building in there, in 2003, from McKay, and demolished it, remediated it and demolished it, so in that respect it fits in with the municipal parking lot. I would have liked to see the end of this building eliminated three years ago when it was before you for the addition so we could square up the parking lot. The property owner did not want to do that, and wanted to invest in it, and they have invested in it, they have straightened out the electrical service and are doing the improvements that are going on there now. So, ideal wise, the grand plan was to have a more rectangular building, rather than having this small projection into the parking lot. It doesn't,

in my opinion, it's not a fatal flaw, hopefully we'll get the property to the south of this someday, the Bonelli piece and we can square off the lot at that side, that runs up in back of Cugino's, and as we get into this municipal parking lot plan, figure out how to do that and how to take care of the drainage of the parking lot, so on the positive side, this cleans up the back of this building. It used to be like a garage, alleyway area.

Commissioner Fox: Thank you.

Chairman Hall: Any other questions?

Commissioner Pane: Through the Chair, have you given any thought to any rooftop seating?

Salvatore Motta: There is no rooftop.

Commissioner Pane: It's a new building, right, it's going to be an addition?

Salvatore Motta: It is the addition, I don't know if you drove back there?

Commissioner Pane: Oh, the addition is already there.

Salvatore Motta: This is already up there, the façade has been made, the windows are in, the doors, the siding. This is the existing building, the existing building is all going to get re-done. It almost looks like four or five buildings in one, it's going to be sided. There is no rooftop seating.

Commissioner Pane: I thought it was new construction.

Salvatore Motta: There are actually going to be planters, grass, so it will look nice and pavers actually in front of the walkway here for the handicapped entrance.

Chairman Hall: Actually this plan is two spaces right, we're just talking about the restaurant right now, but the building is going to be two spaces?

Salvatore Motta: Two spots, yes.

Chairman Hall: This is just half of the building.

Commissioner Fox: Okay, so, once again, through the Chairman, so you've got two retail spaces there.

Salvatore Motta: Correct. This is the actual proposed plan for the actual wine bar.

Commissioner Fox: Okay, that's going to be the wine bar and then you are going to have something compatible next door to it. Okay. If I remember correctly, you said that was a two story building with apartments on the top.....

Ed Meehan: It was mixed use, and it required code compliance and expense, and some of the things that Bob mentioned, and straightening up the parking, driveway radius, the curbing, the overhead wires were taken care of as part of that plan.

Chairman Hall: Questions? Ed, you're set too.

Ed Meehan: I'm set, I have all the information that I need. Again, it's the waiver of the separation distance from the Congregational Church that has to be considered by the Commission.

Chairman Hall: Is there anyone wishing to speak in favor of the petition? Anyone wishing to speak in opposition to the petition? Anyone wishing to speak? Seeing none, I don't see any reason to keep this open, so we will close this. Thank you very much.

**D. PETITION 32-08 - 1052 Main Street (Rear) Motta Investments owner, Salvatore Motta, 12 Cumberland Place, Rocky Hill, CT 06067, applicant request for Special Permit for Liquor Use – Restaurant, B-TC Zone District, waiver of minimum separation distance requested.**

Salvatore Motta: As I was mentioning before, I would like to apply for a full bar but our main thing that we are actually doing is pretty much concentrating on wine. With the wines, we are going to have a pretty extensive wine menu, we will be selling bottles, as I mentioned, glasses of wine, it's not going to be anything like a dive bar, or anything like that, it's going to be a cozy place, where you can actually go there, maybe before you are having dinner, or going out to the movies, you might stop by, have a nice glass of wine, maybe have a platter of cheese or bruschetta. It's pretty much where you start off your night, or your final destination for the rest of the evening. As far as the music, and how loud it is going to be, it's really not going to be that loud, we're going to have music filtered into the place, it will be soft, subtle so everyone can have a conversation as well.

Ed Meehan: So there is no entertainment?

Salvatore Motta: There is no entertainment, there's not going to be karaoke or loud jazz bands or anything like that, it's pretty much music filtered into the place.

Ed Meehan: And no outside seating?

Salvatore Motta: No outside seating.

Ed Meehan: Okay.

Chairman Hall: Anyone else have any questions on this? This is your chance. Anyone wishing to speak in favor of this application? Anyone wishing to speak in opposition to this application? Anyone wishing to speak. Seeing none, we will close this as well.

Salvatore Motta: Thank you.

**III. PUBLIC PARTICIPATION (relative to items not listed on the Agenda-each speaker limited to two minutes.)**

None.

**IV. MINUTES**

May 28, 2008 – Regular Meeting

Commissioner Pruettt moved to accept the minutes of the May 28, 2008 regular meeting. The motion was seconded by Commissioner Ganley. The vote was unanimously in favor of the motion, with seven voting YES.

**V. COMMUNICATIONS AND REPORTS**

None.

**VI. NEW BUSINESS**

None.

**VII. OLD BUSINESS**

- A. Petition 25-08 – 580 Church Street, Three Angels Seventh Day Adventist Church, owner and applicant, represented by James Cassidy, Hallisey, Pearson & Cassidy, Engineering Associates, 35 Cold Spring Road, Rocky Hill, CT 06067, Amendment of Special Exception Petition 03-05, “changes to architectural elevations”. Condition of Approval granted March 23, 2005, R-20 Zone District. Public Hearing closed May 28, 2008. Sixty five day decision period ends August 2, 2008.**

Commissioner Fox moved that Petition 25-08 – 580 Church Street, Three Angels Seventh Day Adventist Church, owner and applicant, represented by James Cassidy, Hallisey, Pearson & Cassidy, Engineering Associates, 35 Cold Spring Road, Rocky Hill, CT 06067, Amendment of Special Exception Petition 03-05, “changes to architectural elevations”. Condition of Approval granted March 23, 2005, R-20 Zone District be postponed to June 25, 2008.

The motion was seconded by Commissioner Kornichuk. The vote was unanimously in favor of the motion, with seven voting YES.

Chairman Hall: Because it is being postponed, we can talk about it anyway. If anybody has any comment that you want to talk about before next time, anybody have any questions, or just comments on this particular petition. Let's have Ed add something to it.

Ed Meehan: There is a memo from me on the table to Commission members apologizing for not getting it to you earlier. I did get some supplemental information from the applicant, the Chairman of their Building Committee, following up on some of the questions that Commission members and the public asked at your prior public hearing regarding the air handling units and the decibel level. Through their architects they have received information from a sound engineer and they provided me by e-mail their proposed mitigation measures in the form of an acoustical fence for both air handling units, the one on the corner opposite Church Street and the one on the corner on Pane Road. My memo summarizes what I got from their information, but in brief, this is an acoustical fence, it would be six feet high, vinyl style, the same as what we saw on the building elevations as far as the color and the architectural style of the fence. These are built with baffles and sound dampening devices inside the fence core. The literature says that they can reduce the decibel level by thirty-two decibels, and they offered a range of decibel readings from the equipment that they propose to use so by reducing it they would be able to bring it down, a range from 93 down to 61 at the fence line on their property. They are also proposing landscape plantings, like arborvitae that would be there for year round uses, that would bring it down another three to five decibels, and their sound engineer talks about what happens, based on distances from a device that is causing the sound, the sound waves or the sound pressure, and the literature that they provided talks about that a distance of a hundred feet away, from the air handling unit, you would expect a drop of another twenty decibels. So, in summary they think they can have their equipment drop down to a range between 35 decibels to 62 decibels, depending on the frequency. That would be measuring at 100 feet away, which is basically the property line to the south, is about 96, 98 feet away, that's 604 Church Street and the property in the residential zone across the street is a little bit over 100 feet, and the vacant residential lots on the corner of Kelsey and Church that haven't been developed yet, they would be between 85 and 90 feet away, plus the building setbacks if they built. I point out in the information that I have

provided you, and I mentioned this to the applicant, we have a noise ordinance in Newington and we're having different standards, and this being a residential zone, the standards are most restrictive in the residential zone, and the way that the ordinance is written, is a noise emitter, which would be the Church and the air handling equipment, the maximum decibel, DBA during the day time is 55 and that is measured at the property line of the abutting property owner, one foot over their property line. So in this case, the intervening street, you would go across the street to measure, or you would go onto the property at 604, one or two feet of that property and measure, see if they meet the 55 decibels during the day, and at night time it drops to 45. So that is what our noise ordinance calls for. Their literature, looks like they get to that level for the lower frequencies, for most of the time, but I would offer to the Commission that there would have to be some mitigation if it was determined that any sound pressure noises above 55 and 45. They would have to do some additional mitigation measures. I'm not a sound engineer so I can't offer those, but they're telling you in this information that they can get to it some of the time, I don't think they can get to it all of the time based on what they have presented, a couple of readings look like they could be in the low sixties. So I think that is something that you should keep in mind when you discuss this, and maybe consider this as a requirement of a condition, if you so see fit, that they would have to have a sound engineer demonstrate to the Commission, or to the Health District, which enforces the sound ordinance, that they meet the Town ordinance. A couple other items that were discussed were the handicapped space, the one space on Church Street. Both the applicant and the applicant's professional engineer said they would do their best to petition through the Building Department the relief of that requirement. Another requirement is the sidewalks out to Pane Road, that is a building fire code requirement. They understand that those sidewalks would have to be built out of concrete and they would redesign the plans to provide those in the least intrusive way as possible, both from aesthetics as well as the amount of concrete that they have to pour on that side of the building, and then the other item, well there were two other items, one was the kitchen chimney stacks. They are going to be required to design and construct this as a commercial kitchen, so they have to provide that venting equipment, they're going to try to, as the architect explained, I wasn't here at the meeting of the 14<sup>th</sup>, but I did read the minutes, the architect said they would try to disguise that and paint that as much as possible and blend it, and then the last item was a suggestion that the Town Engineer and myself had is to change the drainage, the small drainage pipe that ends south towards 604 and bend it a little bit, put it on a forty-five degree angle, vary a little bit more to tone down the rip rap and the visibility of that pipe. It's close to the road, it would be visible. We think it can be changed and made less intrusive than are shown on the plans. Those are the items that I see still hanging on this site plan, and Special Exception of course. The site plan and the Special Exception really ride together.

Chairman Hall: Does anyone have any questions on this, discussion of any kind?

Commissioner Pane: Yes Madam Chairman, in the minutes they said that they were at, not 93.5 but 98 and possibly even higher. I would just like to say for the record that I think this is going to be a problem, and I would recommend that they put it inside the building. Thank you.

Commissioner Fox: I actually agree with Commissioner Pane, as a matter of fact, aesthetically, I would like to see that off of Church Street for one thing, and of course, at 98 decibels, how much, I don't know, I'm not a sound engineer either, but I can just see that it is going to take an awful lot of mitigation so that that 595 and 604, they're not receiving the sound in excess of the 55.

Ed Meehan: The 98 is the one they think they can get down to 62 by the fence and the landscaping.

Commissioner Fox: So what you are saying Ed, is that they can get it down to 62 decibels at the fence.

Ed Meehan: No, at the 100 foot distance.

Commissioner Fox: At the 100 foot distance which is in excess of our code.

Ed Meehan: No, you measure at the property line, the next residential property line is about a hundred feet away, so if they stepped onto the property at 595 Church Street with a sound meter, and that is where you would measure it.

Commissioner Pane: That's only sixty-one feet away.

Ed Meehan: No, it's more than that.

Commissioner Pane: From curb to.....

Ed Meehan: From the fence enclosure to the front yard of 595.

Commissioner Pane: Well, I don't know how many feet off the curb it is, but the road is sixty feet, plus (inaudible) that was what, another fifteen, twenty feet off the curb.

Ed Meehan: It's about a hundred feet away, on an angle.

Commissioner Pane: And 604 is even closer.

Ed Meehan: Yes, it's about 96 feet, so you step onto, say 98 feet to the corner, that is where you would measure. If they are over 55 during the day, it's over the noise limit. If it's over 45 at night, it's over the noise limit. Their literature, and you should read this carefully, they say that probably the lowest they can get it, if I understand what they are talking about here is down to about 62, which is over the noise ordinance and that's why I said in my staff report, they would have to get out there with a sound engineer and, if they build it outside, they would maybe have to build, and it does turn out to be at sixty-two, they are going to have to do additional mitigation measures. If the wish of the Commission is you don't think they can make those, that requirement, then they would have to eliminate it completely and put it inside, or one inside and one outside, I don't know. I asked the applicant again today, can you put it inside? What are the limitations of putting it inside. Well, one of the limitations is probably the effect on the existing retaining wall, they would probably have to cut some of the foundation to get their sleeves in and the duct work. They would lose some internal space. Those are the issues that they have to deal with. That was the answer to my question.

Commissioner Pane: He stated that the reasons for the changes, Madam Chairman, if I may, he stated at the last meeting, or the meeting before that, that the reasons for the AC outside and the reasons for some of these changes, architectural changes, was due to finances, and we cannot take any of that into account. This Commission doesn't take hardship into account, or finances. So we have to make sure that everything is, because it is a Special Exception that the property neighbors, the neighbors are protected. Our job is to make sure that the adjacent property neighbors are protected to the fullest, because what they are requesting is something special going in a residential zone.

Chairman Hall: Any other questions, clarifications?

Commissioner Kornichuk: What other mitigations can they do?

Ed Meehan: If they leave it outside?

Commissioner Kornichuk: Yeah.

Ed Meehan: Well one of the items that I heard, I don't know much about this, is some sort of a blanket, a sound blanket. I don't know how that works, they would have to hire an engineer, a sound engineer to figure out what else to do. If it is going to hum away at 62, it's over the noise limit.

Commissioner Kornichuk: But shouldn't that be adjusted beforehand? You know, before the cart is already there?

Ed Meehan: That is what this report is calling to your attention.

Commissioner Kornichuk: Yeah, but how do you measure it before it's there?

Ed Meehan: Well, you don't. You go by the information they have provided. The last public hearing they submitted their product literature for the Trane AC unit. That was just raw information and they showed the decorative fence. The question was raised by Commission members and neighbors, what is the decibel level, so they went back and they got the information to respond to that, and the information that you will see in this report, they are talking about the decibel levels, there is a range of decibel levels, they are all over the sound noise ordinance levels for the residential zone, and then to mitigate that, they are talking about sound wall, landscaping, and just the fact that the further away you are, the sound drops off. Even with those three situations, distance, landscaping, and a sound wall, the numbers still, for one of their readings, the range of readings is at 62. So it is still a little bit over the 55.

Commissioner Kornichuk: But my thing is, what they are proposing looks nice, but what's to say anything else that they have to put there is going to look as nice. That's the thing I'm worried about, here we have the thing, the thing is built, the thing is up and running, and now all of a sudden they say the only way they quiet it down to meet the decibels, is to put this ugly thing there. Then what do we do, we already have the building, and we are stuck with, well, the neighbors, sorry about the neighbors, but I mean, I don't feel comfortable with this.

Ed Meehan: I understand what you are saying, if this information had come in and through the sound engineers we can guarantee it, or it looks like even with a small margin of error we can always say that it is going to be below 55, I don't think I would raise these questions, but the literature that they presented and the numbers say that it is going to be over 55.

Commissioner Kornichuk: I just, I'd rather be satisfied before the cart was there.

Commissioner Fox: On the same line as Pete's, you've got to build it, baffle it, whatever you are going to do, and then go across the two properties with the sound meter and make sure that it's within the proper decibel levels. And then, if it's not, as Peter says, you are going to have to mitigate it some more and how far out is that going to go? They have to add another fence, or some backing, or some baffling type fences, aesthetically it's to the side, that's bad enough, it's getting closer and closer to the curb on the east side of the street.

Ed Meehan: It's, you cross your fingers that it doesn't go over the decibel level, but if it's built and it's over the decibel level, then you need to go to Plan B, and I don't know what the implications of Plan B are. It could be more structural equipment, it could be other, I don't know what they do to mitigate the noise if it's above 55.

Commissioner Fox: The only way to mitigate that is to get it out of there. Put it over on the other side, or inside, that's my feeling.

Commissioner Pane: I was just going to say that it's abnormal that they want to put these there. Normally it's put inside the building. I think that this is going to lead to too many problems. You're going to be testing it everywhere and then the property is going to be even more unsightly by adding additional baffles possibly. I think to reduce this problem for everybody that this Commission should require it to be put inside like the original proposal. Thank you.

Chairman Hall: I have a question in the sense, are we talking about the air conditioning system only, or is it a forced air system that is the combination air and heat, and are we going to get this noise all the time or is it just for the air conditioner. Are we talking a compressor for an air conditioning system, or is this decibel level going to be for the hot air as well and therefore we are talking twelve months out of the year instead of two or three?

Ed Meehan: Their e-mail and the material that they handed out at the last meeting, talks about an air handling unit.

Chairman Hall: Air handling, that's all it says, and that usually refers to an air conditioner.

Commissioner Pane: No, it's heat and air conditioning.

Ed Meehan: I would think it would be both.

Commissioner Pane: You don't think it would be both?

Ed Meehan: Would be both.

Commissioner Pane: Yes, it would be heating and air conditioning.

Chairman Hall: And the decibel level would be the same.

Commissioner Fox: It's going to handle half of the air that goes in and out of the building.

Ed Meehan: If you haven't gotten what they handed out at the meeting on the 28<sup>th</sup>, I have copies of that also. Actually, I made a copy, that is this chart here and then the product literature on the fence is the other material.

Commissioner Pane: Madam Chairman, if inside is a problem, Commissioner Fox came up with a good idea, they could put it up on the roof, they could modify the roof to hold the AC's and then they could screen them properly and they could put them on a roof line that was accessible. There's a lot of different methods that they could do.

Chairman Hall: Anything other comments, questions. Good, more discussion on a postponement than we've had.....

Ed Meehan: Well, because we got the follow-up from the applicant.

**B. Petition 26-08 580 Church Street, Three Angels Seventh Day Adventist Church, owner and applicant, represented by James Cassidy, Hallisey, Pearson & Cassidy, Engineering Associates, 35 Cold Spring Road, Rocky Hill, CT 06067, Site Plan Modifications to Petition 04-05 approved March 23, 2005.**

Commissioner Pruett moved that Petition 26-08 580 Church Street, Three Angels Seventh Day Adventist Church, owner and applicant, represented by James Cassidy, Hallisey, Pearson

& Cassidy, Engineering Associates, 35 Cold Spring Road, Rocky Hill, CT 06067, Site Plan Modifications to Petition 04-05 approved March 23, 2005 be postponed to June 25, 2008.

The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with seven voting YES.

Chairman Hall: Ed, do you have any new information on the site plan?

Ed Meehan: No, just the items that I mentioned, the parking and the sidewalks and the drainage.

Chairman Hall: Any questions on that before we move forward?

Commissioner Pane: Madam Chairman, has anything, any new information on that parking space that is five feet off the curb line?

Ed Meehan: That's the handicapped one. That's the one that they want to eliminate. When they get you know, if that was part of your motion, or where ever this ends up, they are going to try to eliminate that. They would have to petition the building department and appeal to the State Building Inspector.

Commissioner Pane: Also, the pipe that is going to the rip rap on the side, there's a catch basin in the parking lot there, why don't they just pipe it to the catch basin? It's an extra seventy, eighty feet of pipe, I mean.

Ed Meehan: Don't know if the pitch is there or not.

Commissioner Pane: From the front over there's a, well, I think they should look into it because it only makes sense to pipe it into the catch basin instead of having something unsightly on the street there. Thank you Madam Chairman.

Chairman Hall: Okay, any others?

**C. PETITION 20-08 – 29 Costello Place, Rafael Amaya Architects, applicant, DPP Investments, LLC owner, request for Site Modification to add to existing building PD Zone District. Postponed from May 28 23, 2008. Sixty five day decision period ends June 13, 2008.**

Commissioner Ganley moved that PETITION 20-08 – 29 Costello Place, Rafael Amaya Architects, applicant, DPP Investments, LLC owner, request for Site Modification to add to existing building PD Zone District be approved based on the revised plan prepared by Torres Engineering, Inc. dated 6-2-08, scale 1"=30', Sheet 1 of 1 showing the location of the storm drainage system along the north side of the building connecting to the existing public drainage line in Costello Place; and building elevations prepared by Amaya Architects, Sheet A2 "Lot 9, Costello Place."

1. This approval is subject to technical drainage modifications that may be required by the Town Engineer and the applicant's engineer certifying to the Town Engineer that the storm drainage system has been constructed in accordance with the approved plan.

2. All site work improvements shown on Sheet 1 of 1, Torres Engineering Inc. plan, as revised, shall be completed prior to certificate of occupancy for the new floor space. In lieu of completion a bond may be posted except that the storm drainage system and bituminous binder course must be in place.

The motion was seconded by Commissioner Kornichuk. The vote was unanimously in favor of the motion with seven voting YES.

Chairman Hall: Any comments or questions on this at all? Everybody understand?

Ed Meehan: What they did, they moved the drainage from the south side of the building out of the buffer, away from the gas line, to the north side of the building.

**D. PETITION 27-08 – 597 North Mountain Road, Hawthorne MBM, LLC owners, Sudhakar Nagarokolekar, Architect, c/o Russell & Dawson, 330 Roberts Street, East Hartford, CT 06108-3654 applicant, request for Site Plan Modification, Section 5.3 to convert part of B & L Lighting Co. Building to office use. I Zone District. Sixty five day decision period ends July 19, 2008.**

Commissioner Kornichuk moved that PETITION 27-08 – 597 North Mountain Road, Hawthorne MBM, LLC owners, Sudhakar Nagarokolekar, Architect, c/o Russell & Dawson, 330 Roberts Street, East Hartford, CT 06108-3654 applicant, request for Site Plan Modification, Section 5.3 to convert part of B & L Lighting Co. Building to office use be approved based on the modified site plan layout for “B & L Lighting Company” sheet X-1, dated 3-25-08, scale 1”=20’, and the modifications to the building elevations, sheet SK-1, revised 5-6-08 prepared by Russell and Dawson Architecture & Engineering.

The motion was seconded by Commissioner Fox.

Chairman Hall: Discussion? Any questions on this?

Commissioner Schatz: I think it will be a big improvement to the area.

Chairman Hall: I think it's very exciting that this will be reclaimed and certainly the plans that they brought before us were very good and I'm sure it is just the beginning of the redevelopment of that section. Any other comments, questions?

The vote was unanimously in favor of the motion, with seven voting YES.

**Bond Extension Request  
426 Hartford Avenue**

Commissioner Schatz moved that the request of LADA Motors to extend the completion date for site work at 426 Hartford Avenue to August 31, 2009 be granted. The bond amount shall remain at \$34,000.

The motion was seconded by Commissioner Kornichuk.

Chairman Hall: Ed, do you have a little bit of explanation on this? Is there any downside to extending this?

Ed Meehan: No, there is no downside because the bond is going to cover any work. What the applicant told me is that he's just getting his business up and operating and he hasn't had a

chance to get his contractors out there to get costs. His bond is secured by a passbook, so it's a good bond.

Commissioner Fox: I noticed, I've been back there a lot, that the building itself, he's made a lot of improvements. Has he done any site work? He was supposed to do driveways.....

Ed Meehan: He hasn't done anything to the blacktop, hasn't done any grading, has cleaned up the area around the back of the building, there was some chain link fencing and some miscellaneous stuff, he's cleaned up that, but he hasn't done any of the big site work which was to push back the north side of the property a little bit to get a deeper parking area. He hasn't touched that.

Commissioner Fox: And a little over a year would be enough to do it?

Ed Meehan: Oh yeah, it's probably a couple of weeks work.

The vote was unanimously in favor of the motion, with seven voting YES.

**VIII. PETITIONS FOR SCHEDULING (TPZ June 25, 2008 and July 9, 2008.)**

Ed Meehan: I put 57 Church Street on for a public hearing.

Chairman Hall: If the attorney is available and if you feel that you have enough time to pull everything together.

Ed Meehan: I'll coordinate with Ben Ancona tomorrow.

**IX. PUBLIC PARTICIPATION**  
(For items not listed on agenda)

None.

**X. REMARKS BY COMMISSIONERS**

Chairman Hall: I would like to hold off on this, and discuss this after the staff report, if that's agreeable with everyone.

**XI. STAFF REPORT**

**A. Fennwyck Estates – Bond Release Report**

Ed Meehan: I wanted to give you an update on Fennwyck Estates. The Commission approved bond release subject to four requirements and while that was being sent out to the property owner I got a fax from Mr. DaCosta agreeing that he would do the work, but he asked that instead of removing the dead trees and planting new ones if he could fertilize the trees and see if they would come back. That was one qualification, and the second qualification was, he would replace the dead evergreens but he could not get those at this time of year, he had to wait until the fall to get the evergreens that he wanted. I went ahead and sent the letter to him anyway, as the Commission, as your motion stated, and I added to the letter that the discussion of the Commission was all of the work, or none of the work, or none of the bond. It wasn't going to be a partial release. I sent that back to Mr. DaCosta, so he is going to do all the work but he wants to space it out, at least through the fall, and I'm not sure if fertilizing the trees will work, but it will

take some time to see if that happens, at least until the fall. So I'm reporting that to you, and I understand that he is out of the country right now anyway, so, what I did suggest that I would bring back to you is revisiting this site the end of September, seeing if the trees are alive, the evergreens are in, that's fine, if not, I'll bring it back to you and you can call the bond.

#### B. Accessory Apartment Draft #1

Ed Meehan: I've prepared a draft for accessory apartments for your consideration. A little bit of our discussion from the last meeting and also some input from the Town Attorney, limiting it to persons of marriage, adoption, relatives, so forth, which is not proper under Connecticut law, so I took that out. I did address it so that it is limited to people 62 years of age or older or persons who are on Social Security or VA Disability and I tightened up some areas that were kind of vague in the prior accessory apartment language where it's only one bedroom in the accessory, two persons, how we measure the square footage, we don't count garages or basements as far as gross livable area, the need to maintain the architectural style of the single family house, affidavit from the owner that they are going to occupy it throughout the duration, doesn't make any difference whether the owner occupies the accessory or the principal residence, they have to live there. Some of the things that I took from research that I had done back in January when I sent the package over to the Town Attorney and also from some of the neighboring town regulations. I think five of the six towns, or four of the five towns that I gave you do not have any age requirements, only Berlin had an age requirement. Our regulations did have an age requirement so I maintained that. So it's the first draft. It's something that I know that when the Commission was seated back in December you wanted to get going on, so here it is. I don't think you want to decide on this tonight, just look at it, and if it is headed in the right direction we can modify it, and if you want to take it to public hearing, we will set a public hearing date.

Chairman Hall: I have a question on your square footage. Many houses in this town are what is called a raised ranch or split entry, and some people consider that lower level a basement area, but in fact it is above ground level, or at least three quarters above ground level. Many of those have potential for in-law set-ups and some actually have a second kitchen already in that set-up. According to this, can you exclude that type of, because you are saying no basement or garage area would be included.

Ed Meehan: Well, you wouldn't count the garage. Say they had a two car garage, that was 420 or 450 square feet, you wouldn't count that as livable area, and they had a basement that was underground with a hatchway instead of stairs.....

Chairman Hall: Right, a real basement.

Ed Meehan: A real basement, sub, wasn't a walk out with a slider, you wouldn't count that, but for a split level, when you can go up to the kitchen and the family room and bedrooms, I would count that, you can go down four steps to a family room, a walk out, I would count that as living area.

Chairman Hall: And sometimes they even convert garage area into living space too, if it's under.

Ed Meehan: One of the things that I put in here is you have to get pictures of the existing building, and architectural drawings of the proposed building, both exterior and interior. I also have on the table for you tonight the regulations from the other towns. This issue with converting garages, I think it was Glastonbury, where if you are going to convert the garage to living space, they have two overhead doors, they convert one of them or both of them, you have to follow the architectural style of the house, if it's clapboards you have to continue with clapboards, you have

to put windows in that match the rest of the house, and you actually have to take the driveway out. You just can't have a two car paved driveway up to the house, you have to remove it and make it look as though it's not a driveway and that's got to be to the satisfaction of the Commission, so it's a value judgment as to what they submit.

Commissioner Fox: So you are limited then to, you know, if you are going to convert a garage like in a split, you are limited to placing the door, the entrance door, on the far side of the garage otherwise, either that, or expand the lawn, is that what you are saying?

Ed Meehan: Yeah, or you build a detached garage someplace on the property, if you have the space, or attach it to the other side of the house, and you convert the existing garage, which is probably a garage with a slab on it, which is not necessarily a great living area, into your apartment, but the door should be on the opposite side of the street, so you don't have two front doors coming into a single family house. I think that would be an architectural thing that the Commission would look at.

Commissioner Pane: Or they would have to enter into the main house.

Ed Meehan: Through the main house or through a breezeway, common corridor. You could set up a common corridor in the main house, you could set up through a breezeway, either side, you could require the door on the opposite side so you don't have two doors facing the street. I also put in here you can't have stairs, some people want to convert the space over the garage. You can't do that.

Commissioner Fox: If the property was set up like mine, okay, with the garage on the opposite side of the driveway.....

Ed Meehan: Yeah, but you have a detached garage. You couldn't do it.

Commissioner Fox: Anything like that, you wouldn't be permitted to put it on the second floor.

Ed Meehan: Right.

Commissioner Fox: I'd have to take the whole thing and make it, what if somebody wanted to take a garage like mine and just make it an apartment?

Ed Meehan: It's detached, it's an accessory structure. It's got to be part of the principal structure. There's all different angles, you can't legislate, anticipate everything, so you've got to give yourself flexibility to review the elevations when they come in and the dimensional requirements to say whether you want this or not, when you see the actual application, if you want these at all.

Commissioner Pruet: Basically this is for new applications, it has nothing to do with existing.

Ed Meehan: Those are all grandfathered.

Commissioner Ganley: We're grandfathering in the old ones, not the ones that are illegally in there.

Ed Meehan: No, not the illegal ones, only the ones that got special exceptions, and even those, if they transfer ownership are supposed to come back and reapply. There is a renewal requirement. So this is food for thought.

## C. 690 Cedar Street – National Welding Draft RFP Discussion

Ed Meehan: The other item that I wanted to share with the Commission and get feedback on is, we prepared a draft, request for proposal for National Welding, all the Commission members should have gotten that in your packet with a cover memo. We are going to bring this forward in July, with the Town Council and with our environmental engineers presenting to the Town Council where we are with our environmental assessments. Talking with the Council leadership last week, they would like to try to get something going this summer. At least get the RFP out to see what the marketplace is for that building. You'll see, and I tried to explain, the land use is key to the reuse of this property, this four acres. The PD Zone offers a range of land uses which would be compatible with transit oriented development, probably the residential density isn't high enough to make this site economically feasible at eight or nine units per acre, I would think a developer would probably need fourteen to eighteen units per acre, but that would be something they would have to come back and petition the Commission for. If you have, after looking at this, if you have issues or concerns about the land use, let me know. I'm not, I don't want anybody to predetermine this, because as policy makers, you're really not supposed to do that, but you can certainly give guidance on this. What the thought of the Town Council leadership was is have a meeting on July 10<sup>th</sup> to talk about this, they want to understand fully the economic cost of remediating this site and getting the building down, because there is a million dollars owed in taxes. So if they foreclose on it, the chance of getting the money back is probably nil, and the town may have to just swallow that and hopes of getting a bonafide developer out there to do the work, put it back on the tax rolls. So we want to be able to offer a site that fits with that intersection, also ties in with the Hayes-Kaufman project, with the driveway out to Fenn Road. We don't know where that stands right now. I talked with Rich Hayes today, and he's still working on that, and we don't know where ConnDot is, STC on the driveway yet either, so this is a moving target over the next couple months, but feedback is important.

Commissioner Pane: How did the town ever let that get to be a million dollars, why didn't anything get taken care of before, a long time ago? And there are probably a few other cases in town, there is probably one in the Industrial Park, there are probably a couple of other ones? Why don't they take action?

Ed Meehan: Well, you keep liening the property and it's eighteen percent a year, it keeps piling up, but don't know about that one.

Commissioner Ganley: I raise the issue about remediation, Cost A versus Cost B and that is, if they are going to put dwellings on it, it certainly is going to be more costly to do the remediation because while we may have, I understand we have some idea of what is underneath there, until it is actually ripped up and somebody gets to it, we don't know, so there may be some costs involved as opposed to a commercial property where they may be able to, I believe it's called cap it, somehow when they put up commercial buildings so that is something a developer may have to consider. What I had, I read this thing a couple of times, and for those of you who have it handy, if you reference page two, proposed uses, the second paragraph beginning with "any buildings proposed" should enhance the character of the neighborhood, well, there is no neighborhood around there, but I was concerned about, since you have already approved and had a battle royal with the Hayes Development about the way that thing should look, I would like this architect to come back to us, or developer come back to us, with something that at least looks reasonably like what we just approved for the Hayes-Kaufman. So I would like some language in there saying he's got to take a look at that site and when his architectural renderings have got to look at least like the Kaufman site. The other ones is on page 3, under site plan, B, Site Plan and Architectural Guidelines and Design Review, second paragraph, beginning with "prior to applying" when they come back with the drawings, and renderings and such graphic or written documentation that they then in fact show us that that is what they are going to do. What

I'm looking for is this, compatibility, and I don't want somebody to come back with something like the proverbial pink roof on what ever buildings are going to go up. I'd like it to look like what we just approved. So that's that. The last thing I had.....

Commissioner Kornichuk: But Tom, on that note, you have got to also take into consideration the busway, too. The busway isn't going to look like, and the busway is going to be closer to this property.

Commissioner Ganley: We'll have to see designs for the busway, I'm not protecting the busway necessarily. The final one is on proposal selection criteria, now there are five requirements here but there is not what they call, I call it the elastic clause and that is, I wrote down, I've given some thought to this, number six, any other criteria that may arise during the review of the proposals that the Council may determine need to be considered. We can't lock them into these five things. I really don't think we ought to be doing that. The Council, that if something crops up, they can't be told by someone else, whoa, you can't consider that, because it is not in here. I would rather not, you know, a bind that someone gets in, I'd like to see something equivalent to an elastic clause that they can counter argue, well, we didn't realize that this would be on the table. So it really throws a new element into this thing, and now we would like to consider that, whatever it may be. I don't want to leave them closed into these five, without leaving them the option of having to look at something else that may arrive out of their deliberations.

Ed Meehan: So that was, any other.....

Commissioner Ganley: Any other criteria that may arise during the review of the proposals that the Council may determine needs to be considered. That's it. I'll come back with something in writing on the proposals for the accessory apartments. I was working on this.

Ed Meehan: This is the first cut of the RFP.

Chairman Hall: Any other questions?

D. 426 Hartford Avenue, LADA Motors request extension for completion of Site Work to August 31, 2009.

Discussed under Old Business.

Ed Meehan: I have a couple of more things, the Atlanta Bread status, the field that is growing down there, talked to a couple of different people who have been involved in that, John Muirhead who used to own and operate the franchise, he's out of it completely. It's gone back to Victor Basile who owns the property. He's the one who developed Target and Walgreens and he told me late last week that he was going to have it taken care of, and he has a new tenant and the new tenant, I think he said as of June 1<sup>st</sup>, is responsible for the site, so he hadn't seen the site, he didn't realize it hadn't been taken care of, so he is supposed to take care of that.

Vitamin Shop took care of their lawn very quickly, and the other one was the one that Frank had up at Pulte Homes. Talked to their project manager, they're waiting for, well, CL&P was in this week to get the overhead wires out on the temporary service, they are waiting for SNET to come in and take their service off, so they can take the poles down and then they will loam and seed the emergency right of way. In the meantime I asked them, you can't depend on utility companies this time of year, they are really busy, it's probably not high on their list, to go out and weedwack and clean up that area. I was up there tonight, it still looks like a jungle, so those are the three items.

**X. REMARKS BY COMMISSIONERS**

Commissioner Fox: Ed, have you been on the corner of Willard and Robbins, across from Quick Stop?

Ed Meehan: The big white house?

Commissioner Fox: No, on Robbins Avenue, not Cedar Street, I mean, that is bad enough, the way the State cut those trees down over there on Cedar Street, but this is across from the Quick Stop on Robbins Avenue. I don't know whether that is state property or what, but the grass is like about six feet high.

Ed Meehan: Yeah, that's all part of the radio station property, I think.

Commissioner Fox: No, the corner, the northwest corner.

Ed Meehan: There's a house on the northwest corner.

Chairman Hall: There's a little ranch house on the corner. There's a little house that is on Willard and they own around the corner, and then there is a green house in back of that.

Ed Meehan: I'll look at it.

Commissioner Pruett: I wanted to ask Ed, any nibbles on the FoodMart property, nothing down there?

Ed Meehan: No.

Commissioner Pruett: How about the bank? The bank is going full, you have the plans for People's Bank?

Ed Meehan: The plans have been approved and the permits have been paid for and the bond has been paid for, but no contractor has showed up.

Commissioner Pruett: Any idea who the new tenant might be for Atlanta Bread?

Ed Meehan: No, he didn't tell me.

Commissioner Pruett: Sam's is going pretty good.

Ed Meehan: Sam's is going good, Aldi's is going really good, the hotel, the Express is on hold, all the heavy duty work, the retaining walls and the foundation is done, but they haven't moved the actual building construction yet. I know there are some issues with the building department on code review requirements, but the property owner, Mr. Patel who builds these things, does them in stages. He's noted for stopping a project, until he gets the right contractors. Hoffman Gun is going pretty quick, I think they want to get out by the end of July, I think.

Chairman Hall: They removed a tremendous amount of trees on Deming today where the Frank Arcarpio project.

Ed Meehan: The project is back on, they said they're going to develop it. We had some concerns with the project site contractor, Mr. Chuli today, on putting anti-tracking mats in and giving us a chance to look at the flagging limits before it was cut, so.....

Chairman Hall: Well, you should see it now.

Commissioner Pane: What job is this?

Ed Meehan: Where the barns are on Deming, there is eighteen, nineteen houses going in there.

Chairman Hall: Now is he going to leave the barn?

Ed Meehan: No, everything comes down. About 20,000 yards of fill.

Commissioner Pruett: They sold that right, they sold it to another developer?

Ed Meehan: The original project was brought through by a guy named Joe Sullo and he still has that project. He was trying to sell it to some other developers and they didn't move forward, so Sullo is the name on the application going forward with the Town Engineer right now. There're not selling, Toll Brothers is telling us that age restricted housing in Berlin is not going anywhere, so I'm surprised that they started that project. There is definitely a slow down in projects.

Commissioner Fox: Another one, the retail on Brocket Street across from Citgo?

Ed Meehan: Amato.

Commissioner Fox: It's all cleared and everything, but the equipment has been sitting there for...

Ed Meehan: Talked to their architect a couple of weeks ago, and he has filed the mylars for the renderings and his client is, I don't know if they have it financed yet.

Commissioner Fox: I know that I see a sign over on New Britain Avenue , Amato owns that whole place over there.

Ed Meehan: I don't know what he owns, I know that he's in the hair salon business.

Commissioner Fox: He may be trying to sell that first.

Commissioner Camerota: There is a For Sale sign over there.

Commissioner Fox: Yeah, for sale, not rent, I have to assume it's for that property,.

Commissioner Pruett: What about LA Fitness?

Ed Meehan: That's moving along. The STC permits are all approved for that, that's why they are doing the Rowley Street left turn. Once the furniture store gets out of there, they're going to start working on L.A. Fitness, and Sam's has corrected their drainage issues, pipes popping, moving right along. They haven't brought anything in for the gas station yet, so I'm not sure if the gas station is on hold, or they're going to get everything else done and then do the gas station. That's still up in the air.

**XII. ADJOURNMENT**

Commissioner Fox moved to adjourn the meeting. The motion was seconded by Commission Kornichuk. The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Norine Addis,  
Recording Secretary